

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

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SYMBOL TECHNOLOGIES, INC.,

Plaintiff,

v.

05-C-0256 C

INTERMEC TECHNOLOGIES CORP.,

Defendant.

**SYMBOL TECHNOLOGIES, INC.'S MOTION TO
COMPEL PRODUCTION OF DOCUMENTS AND INTERROGATORY
ANSWERS FROM INTERMEC TECHNOLOGIES CORPORATION**

Now comes plaintiff, Symbol Technologies, Inc. ("Symbol"), and for its Motion to Compel, pursuant to Rule 37 of the Federal Rules of Civil Procedure, respectfully states as follows:

1. On April 28, 2005, Symbol served its complaint alleging that certain bar code reading devices and systems made, used and/or sold by Intermec infringe Symbol's U.S. Patent Nos. 5,243,655 ("655 Patent") and 5,457,308 ("308 Patent") (collectively, "Symbol" Patents), each assigned to Symbol.


2. On May 27, 2005, Symbol served its Document Requests and Interrogatories seeking discovery concerning its patent claims, damages and the defenses to those claims asserted by defendant, Intermec Technologies Corporation. *See* Exhibits 1 and 2 to the July 6, 2005 Declaration of Lawrence Brocchini ("Brocchini Decl.").

3. Intermec asserted, but later withdrew a series of baseless objections to the Symbol's Documents Requests and Interrogatories. Brocchini Decl. Exhs. 3, 4, 5, 6, 7 and 8.

4. Intermec, however, has not produced a single document or provided substantive answers, signed under oath by Intermec, to Symbol's interrogatories. Brocchini Decl. Exh. 8. Nor has Intermec said when it will begin or complete discovery. *Id.*

5. Intermec should be compelled to immediately produce responsive documents and provide substantive interrogatory answers, signed under oath by Intermec.

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Dated: July 6, 2005

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UNITED STATES DISTRICT COURT
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SYMBOL TECHNOLOGIES, INC.,

Plaintiff,

v.

Case No. 05-C-0256-C

Hon. Barbara B. Crabb

INTERMEC TECHNOLOGIES, INC.,

Defendant.

CERTIFICATE OF SERVICE

I, Shane A. Brunner, hereby certify that on July 6, 2005, I caused a true and correct copy of Symbol Technologies, Inc.'s Motion to Compel Production of Documents and Interrogatory Answers from Intermec Technologies Corporation, Symbol Technologies, Inc.'s Memorandum in Support of Motion to Compel Production of Documents and Interrogatory Answers from Intermec Technologies Corporation and Declaration of Lawrence Brocchini in Support of Symbol Technologies, Inc.'s Motion to Compel Discovery From Intermec Technologies, Corporation to be served via the following method:

VIA MESSENGER

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